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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/626,917	07/25/2003	Chih-Ta Star Sung		3658
7590	05/09/2007		EXAMINER	
Chih-Ta Star Sung			AN, SHAWN S	
RM. 308, BULD. 52, NO. 195, SEC. 4, CHUNG HSING RD., CHU TUNG TOWNSHIP HSINCHU COUNTY, 310 TAIWAN			ART UNIT	PAPER NUMBER
			2621	
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			05/09/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/626,917	SUNG ET AL.
<b>Examiner</b>	<b>Art Unit</b>	
	Shawn S. An	2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 06 March 2007.

2a)  This action is **FINAL**.                    2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1-23 is/are pending in the application.  
4a) Of the above claim(s) 2 is/are withdrawn from consideration.  
5)  Claim(s) \_\_\_\_\_ is/are allowed.  
6)  Claim(s) 1,3,4,6-10,12-14 and 16-23 is/are rejected.  
7)  Claim(s) 5,11 and 15 is/are objected to.  
8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892) 4)  Interview Summary (PTO-413)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948) Paper No(s)/Mail Date. \_\_\_\_ .  
3)  Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date . 5)  Notice of Informal Patent Application  
6)  Other: \_\_\_\_ .

## DETAILED ACTION

### ***Response to Amendment***

1. As per Applicant's instruction as filed on 3/12/07, claim 2 has been withdrawn.

### ***Response to Remarks***

2. Applicant's remarks as filed on 3/06/07 have been fully considered but they are not persuasive.

The Applicant presents arguments of which the cited prior art references fail to disclose or teach claims 1, 3-4, 6-10, 12-14, 16-19, and 21-23 limitations.

However, after careful scrutiny of the cited prior art references, the Examiner must respectfully disagree, and maintain the grounds of rejection for the reasons that follow.

In response to the arguments regarding claim 1 and 19-20, the Applicant may be correct as stating that Koba et al calculates and saves motion vectors of all blocks into the memory, and calculates levels of macroblocks characteristic values of group of each group of macroblocks ...

However, Koba et al, nevertheless, discloses a device (Fig. 5) determining/calculating the motion vector (FMV), MV of macroblocks within the current frame or at least one neighboring frame by comparing/searching the targeted macroblock to the neighboring macroblock (col. 10, lines 22-29; col. 7, lines 1-23); and a storage device (Fig. 5, 66) for saving the MV of a partial or an entire frame of the current frame or at least one neighboring frame for the best match macroblock searching of the current or neighboring frames (col. 13, lines 1-15) as specified in claims 1 and 19-20.

In response to the argument regarding claim 3, the Applicant asserts that this claim clearly recites the "common movement" of a frame. However, original claim 3 does not contain the recited "common movement" of a frame. Therefore, this aspect of the argument is deemed moot, since the Applicant did not claim the "common

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movement". Henceforth, the rejection of claim 3 is maintained as being unpatentable over Koba et al in view of Piccinelli et al.

In response to the argument regarding claim 4, Koba et al teaches that a MV for a particular macroblock can be a good initial approximation for the MV search on sequential frames (col. 3, lines 25-34). Therefore, it would have been considered obvious to one of skill in the art employing Koba et al's teaching as above to recognize that the FMV can be applied to be the MV of a plurality of macroblocks or to be the initial point of the best match block searching for macroblocks within the neighboring (sequential) frames for performing fast ME.

In response to the arguments regarding claims 6 and 21-22, the rejection is based on the combination of references. Koba et al does not seem to particularly disclose the previously saved MVs of at least one macroblock of the current or at least one neighboring frames being compared to the predetermined threshold value to determine the initial point of searching for other macroblocks.

However, Piccinelli et al teaches auto setting of optimal search window dimensions for motion estimation comprising previously saved (maximum) MVs of at least one macroblock of the current or at least one neighboring frame (picture) being compared to the predetermined threshold value to determine the optimal search window, which would include an initial point of searching for a plurality of macroblocks for a most efficient video coding (abs.; col. 5, lines 53-65).

Therefore, it would have been considered obvious to one of skill in the art employing an apparatus for motion estimation as taught by Koba et al to incorporate Piccinelli et al's teachings as above so that previously saved MVs of at least one macroblock of the current or at least one neighboring frame are compared to the predetermined threshold value to determine the initial point of searching for other macroblocks as well as the majority (maximum) MV of the corresponding or neighboring macroblocks of the current frame or at least one neighboring frame is selected as the initial point of searching for a plurality of macroblocks for a most efficient video coding.

In response to the argument regarding claim 7, Koba et al teaches a decision being made when all characteristic values of the reference macroblock are within the

interval for the same characteristic for the particular macroblock plus or minus a fixed threshold value, and if the decision has been made for the particular macroblock, the MAD is calculated for the pair comprising the reference macroblock and the particular macroblock from the previous frame, and if the resulting value of MAD is less than achieved before, this new value and new MV component values is stored (col. 10, lines 10-29). Therefore, it would have been considered obvious to one of skill in the art employing Koba et al's teaching as above to recognize that an adaptive threshold can certainly be compared to the MAD of the targets macroblock to determine whether to select or to give up the targeted macroblock which is under the best match macroblock searching just as long as the end result (purpose; finding best match macroblock searching) is substantially the same.

In response to the argument regarding claim 8, Koba et al discloses applying the adaptively predetermined values of the MV, the MAD, or the block differences (col. 1, lines 53-65; col. 7, lines 52-65; col. 10, lines 22-29) and utilizing a refiner or a coarser pixel resolution as another concept of fast ME method (col. 2, lines 50-67; col. 3, lines 1-22). Therefore, it would have been considered obvious to one of skill in the art employing Koba et al's teachings as above to recognize applying the adaptively predetermined values of the MV, the MAD, or the block differences to decide a refiner or a coarser pixel resolution as an alternative way of finding the best motion vector, thereby achieving fast ME.

In response to the argument regarding claim 9, since Koba et al discloses the calculation of the MAD, MV, or block differences for the motion estimation and utilizing the sub-sampled (reduced size macroblock) pixels as discussed with respect to claim 8, it would have been considered obvious for the sub-sampled pixels to be applied to the calculation of the MAD, MV, or block differences for the motion estimation for the same reason as specified in the claim 8.

In response to the argument regarding claim 10, Koba et al does not seem to particularly disclose a higher sub-sampled pixels being applied to macroblocks with lower values of MV or MAD.

However, Chen et al teaches a ME method comprising utilizing a higher sub-sampled pixels which results in 4-pixel precision (coarse) MV (conventionally a MV which provides the smallest (lowest) MAD value is selected as the coarse MV), thereby greatly reducing computational load and hardware costs (para. [0058]).

Therefore, it would have been considered obvious to one of skill in the art employing an apparatus for motion estimation as taught by Koba et al to incorporate Chen et al's teaching as above so that a higher sub-sampled pixels can be applied to macroblocks with lower values of MV or MAD, thereby greatly reducing computational load and hardware costs.

In response to the argument regarding claim 12, since Koba et al discloses utilizing the sub-sampled (reduced size macroblock) pixels as discussed with respect to claim 8, and pixel subsampling based on limiting the number of pixels used in the calculation of matching criteria (col. 2, lines 39-49), it would have been considered obvious to change the position of the pixel selection of the sub-sampling from frame to frame in order to minimize the target matching criterion.

In response to the arguments regarding claims 13-14 and 23, Koba et al teaches ME methods based on doing a preliminary search of motion vectors on a coarse (pixel) resolution and refining the predicted motion vector with fine (a refiner pixel) resolution and similar multiresolution method (col. 2, lines 5-67; col. 3, lines 1-24). Therefore, it would have been considered obvious to one of skill in the art employing Koba et al's teachings as above to realize that a coarser pixel resolution and a refine pixel resolution can certainly be applied to ME if the MV is smaller/lower and larger/higher, respectively, since smaller/larger MV implies less/more motion was involved, thereby obviating a need for a coarser/refiner pixel resolution to reduce the amount of computations when its not necessary.

In response to the arguments regarding claims 16-17, Zhu discloses a method of motion estimation, comprising the procedure of the best match block searching being applied to neighboring blocks of the block having MV different from the frame motion vector (col. 1, lines 41-52).

**Note:** since the frame motion vector was not mentioned/taught/disclosed with respect to the MV as discussed above, and that the above MV was not derived from a frame to frame motion (but rather from a block to block motion), the latter claimed feature of the MV different from the frame motion vector has been met.

In response to the argument regarding claim 18, Zhu discloses the majority of macroblocks within a frame having to go through the ME procedure (Fig. 1, 104) from time to time (inherency emphasized). Furthermore, since Applicant did not claim how frequent the ME mechanism being applied to macroblock within a frame, this particular argument is deemed moot.

#### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1 and 19-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Koba et al (6,269,174 B1) as previously discussed in the last Office action as filed on 3/06/07.

5. Claims 16-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Zhu (5,757,668) as previously discussed in the last Office action as filed on 3/06/07.

#### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 3-4, 6, 21, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koba et al (6,269,174 B1) in view of Piccinelli et al (6,829,373) as previously discussed in the last Office action as filed on 3/06/07.

8. Claims 7-9, 12-14, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koba et al (6,269,174 B1).

9. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Koba et al (6,269,174 B1) in view of Chen et al (US 2004/0081361 A1) as previously discussed in the last Office action as filed on 11/30/06.

***Allowable Subject Matter***

10. Claims 5 and (11, 15) are objected to as being dependent upon rejected base claims 1 and 8, respectively, but would be allowable:

if claim 5 is rewritten in independent form including all of the limitations of the base claim 1 and any intervening claims; and

if either claim 11 or claim 15 is rewritten in independent form including all of the limitations of the base claim 8 and any intervening claims.

**Dependent claims 5, 11, and 15** recite novel features, wherein the prior art of record fails to anticipate or make obvious the novel features.

Accordingly, if the amendments are made to the claims listed above, and if rejected claims are canceled, the application would be placed in condition for allowance.

***Conclusion***

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

12. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to *Shawn S An* whose telephone number is 571-272-7324.

13. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

14. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**SHAWN AN**  
PRIMARY EXAMINER